

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**THIS DOCUMENT RELATES TO:**

*All MDL Tribal Cases*

**MDL No. 2804**

**Case No. 17-md-02804**

**Judge Dan Aaron Polster**

**ORDER APPOINTING JUDGE LAYN PHILLIPS AND  
SPECIAL MASTER DAVID R. COHEN TO DECIDE ALLOCATION ISSUES,  
APPOINTING SPECIAL MASTER COHEN AS QUALIFIED SETTLEMENT FUND  
ADMINISTRATOR AND APPOINTING TRIBAL SETTLEMENT TRUST DIRECTORS**

The Plaintiff Tribal Leadership Committee's (TLC's) motion to appoint Judge Layn Phillips and Special Master David R. Cohen to manage and decide the inter-tribal allocation for distribution of settlement funds to tribal entities participating in certain settlements; to appoint Special Master David R. Cohen as Trust Administrator for the Qualified Settlement Funds (QSFs) being established to implement Tribal Plaintiffs' settlement agreements with Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc. N/K/A Janssen Pharmaceuticals, Inc., Johnson & Johnson, Ortho-McNeil-Janssen Pharmaceuticals, Inc., N/K/A Janssen Pharmaceuticals, Inc. ("Janssen"), and with AmerisourceBergen Corp., McKesson Corp., and Cardinal Health, Inc. (the "Distributors"), (collectively "Settling Defendants"); and to appoint Mary Smith, Dean Kevin Washburn and Kathy Hannan as Directors of the Tribal Settlement Trust to assist in the implementation of the settlements, is hereby GRANTED.

1. Judge Layn Phillips and Special Master David R. Cohen are hereby appointed to set the procedures by which the allocation of the settlement funds will be completed consistent with the executed term sheets (and subsequent settlement agreements) and to jointly determine the final inter-tribal allocation for each settlement.
2. Special Master David R. Cohen is hereby appointed as Trust Administrator for the Qualified Settlement Funds established to implement Tribal Plaintiffs' settlement agreements with Settling Defendants.
3. Mary Smith, Dean Kevin Washburn and Kathy Hannan are hereby appointed as Directors of the Tribal Settlement Trust to work in coordination with the Trust Administrator to implement the settlements and to carry out the responsibilities set forth in the executed term sheets reflecting the parties' settlements.
4. Any costs and fees associated with or arising out of the duties of Judge Layn Phillips, Special Master Cohen, Dean Washburn, Ms. Smith and Ms. Hannah shall be paid out of interest accrued on the settlement funds, and thereafter from the settlement funds should such interest prove insufficient for such purposes.

**IT IS SO ORDERED.**

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**DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE**

**February \_\_\_, 2022**